

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2-26-2008</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v.-

LANCELOT PAUL LUTCHMAN,

Defendant.

: PRELIMINARY ORDER OF
: FORFEITURE/FINAL ORDER OF
: FORFEITURE AS TO DEFENDANT
: LANCELOT PAUL LUTCHMAN
: 07 Cr. 382 (JFK)

WHEREAS, on or about May 4, 2007, LANCELOT PAUL

LUTCHMAN, the defendant, was charged in a one-count information,
07 Cr. 382 (JFK) (the "Information") with possession of child
pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B);

WHEREAS, the Information included a forfeiture
allegation seeking the forfeiture to the United States, pursuant
to Title 18, United States Code, Section 2253, all right, title
and interest of LUTCHMAN in any and all visual depictions
produced, transported, mailed, shipped or received in violation
of Chapter 110 of Title 18, Part I, United States Code; any
property, real or personal, constituting or traceable to gross
profits or other proceeds obtained from the child pornography
offense alleged in Count One of the Information; and any
property, real or personal, used or intended to be used to commit
or to promote the commission of the child pornography offense
alleged in Count One of the Information, including but not
limited to the following:

- a) any and all computer and other equipment seized on or
about September 14, 2006, including, but not limited

to:

- i. one Sony VAIO laptop computer;
- ii. one Sony VAIO CPU;
- iii. one Lacie back-up drive; and
- iv. one compact disc containing images of child pornography

(collectively, the "Subject Property");

WHEREAS, on May 4, 2007, LUTCHMAN pled guilty to Count One of the Information, pursuant to a plea agreement;

WHEREAS, under the terms of the plea agreement, LUTCHMAN admitted to the forfeiture allegations in the Information and agreed to forfeit all right, title and interest in Subject Property listed under the forfeiture allegation section of the Information;

WHEREAS, pursuant to 18 U.S.C. § 2253, 21 U.S.C. § 853, and Fed. R. Crim. P. 32.2, the United States is now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All of LUTCHMAN's right, title and interest in the Subject Property is forfeited to the United States for disposition in accordance with the law, subject to the provisions

of 21 U.S.C. § 853(n).

2. The United States is hereby authorized to take possession of the Subject Property and to hold the Subject Property in its secure custody and control.

3. Pursuant to 21 U.S.C. § 853(n)(1), the United States Department of Treasury forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this order, notice of the United States' intent to dispose of the Subject Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Subject Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought.

5. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property that is the

subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

6. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

7. Pursuant to Fed R. Crim. P. 32.2, this Order of Forfeiture shall be final against the defendant LANCELOT PAUL LUTCHMAN, shall be made part of the sentence of the defendant LANCELOT PAUL LUTCHMAN, and shall be included in the judgment of conviction therewith.

8. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order of Forfeiture to include subsequently located property.

9. Pursuant to 21 U.S.C. § 853(m), the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property subject to forfeiture. Pursuant to Fed. R. Crim. P. 32.2(c), the United States Attorney's Office is authorized to conduct discovery in accordance with the Federal Rules of Civil Procedure with respect to any third-party petitions claiming the Subject Property.

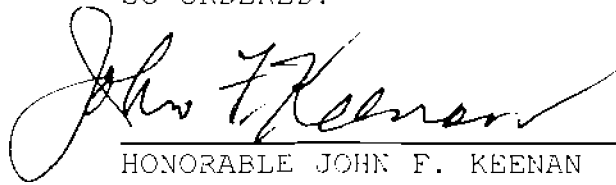
10. The United States District Court shall retain jurisdiction in this case for the purpose of enforcing this

order.

11. The Clerk of the Court shall forward three certified copies of this order to Assistant U.S. Attorney Christine Meding, One St. Andrews Plaza, New York, New York, 10007.

Dated: New York, New York
February 26, 2008

SO ORDERED:


HONORABLE JOHN F. KEENAN
UNITED STATES DISTRICT JUDGE